

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application in compliance for allowance. The present amendment is made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 44-50, 53, 58-63 and 65-68 are pending in this application. Claims 44, 49, 50, 53, and 58-63 and 65-68 are independent, and hereby amended. No new matter has been added. Support for this amendment is provided throughout the Specification as originally filed and specifically on page 18. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. OBJECTIONS TO SPECIFICATION AND REJECTIONS UNDER 35 U.S.C. §101

In response to the objections to the Specification and the rejections under 35 U.S.C. §101, Applicants submit that the specification, as originally filed, includes a statement identifying the computer readable medium in page 22, paragraph [0072] of Applicants' corresponding published application, which describes "Not only recording media such as a magnetic disk, a CD-ROM, a solid-state memory but also communication media such as a network and a satellite can be used as a provider for providing a user with a computer program

for execution of the above-described process". There should be no dispute that a magnetic disk, a CD-ROM or a solid-state memory is a computer-readable medium. It, of course, is well known that other computer readable media exist. It is respectfully submitted that those of ordinary skill in the art, and even those having less than ordinary skill, are well aware of the fact that computer-readable media are commercially available in several different forms, such as ROM, RAM, recording disks and the like. Such computer-readable media are predictable in that their structure and functions are well-known. It is submitted that there is no need to identify, in this application, all possible, conventional computer-readable media. Thus, Applicants respectfully request the objections and rejections be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 44-50, 53 and 62-63 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 6,522,672 to Matsuzaki et al. (hereinafter, merely "Matsuzaki") in view of U.S. Patent No. 5,801,753 to Eyer et al. (hereinafter, merely "Eyer").

Claims 58-61 and 65-68 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 6,111,612 to Ozkan et al. (hereinafter, merely "Ozkan") in view of Eyer in further view of Matsuzaki in further view of U.S. Patent 5,892,894 to Shiroshita et al. (hereinafter, merely "Shiroshita").

IV. RESPONSE TO REJECTIONS

Claim 44 recites, *inter alia*:

"...wherein the information receiving apparatus reads contents of a program information data of a current program and a next program at a re-transmission cycle of the program information data of the current program and the next program,

wherein the contents includes a status flag indicating whether the program information data is being transmitted based on different status flag values...” (Emphasis added)

Applicants submit that neither Matsuzaki nor Eyer, taken alone or in combination, teaches or suggests the above discussed feature of claim 44. Specifically, neither of the cited references teaches or suggests the contents includes a status flag indicating whether the program information data is being transmitted based on different status flag values, as recited in claim 44.

Specifically, the Office Action (see page 10) concedes that Matsuzaki does not teach reading content of a program information data, but asserts that Eyer teaches a transmission status indicating that the program information data is being transmitted at a current location for retrieval, and refers to column 17, lines 36-50, which are reproduced as follows:

“The transmitted scheduling data can be provided in a packetized transport stream in which different categories of data are carried in different packet streams, each packet stream having its own packet identifier (PID). Prompt retrieval and processing of the scheduling data at the decoder is facilitated by providing individual pages from the scheduling database, organized by time slot, in the transmitted data stream with each page having its own PID. In this manner, when a user selects a time slot for which scheduling information is desired, the decoder need only locate the PIDs for that time slot and all of the necessary program guide information can be retrieved from the packets transmitted under that PID. A separate packet stream is provided for foundation data, under a PID identifying the data as foundation data.”

Thus, in Eyer, the PID indicates the location where the program can be retrieved, but it does not indicate whether the program is being transmitted or not.

However, in the present invention, paragraphs [0059]-[0060] of Applicants’ corresponding published application describe the status flag included in the content, which is shown in Fig. 10, and are reproduced as follow:

[0059]FIG. 10 shows a description of the transmission statuses of schedule EPG data that are described in the descriptor of EPG data of current and next programs and indicate program broadcast schedules. To describe the statuses of a plurality of schedule EPG data indicating program broadcast schedules, the

second to sixth lines have a loop structure. A table ID (table_id) on the third line indicates an ID corresponding to schedule EPG data indicating a program broadcast schedule. A status flag (status_flag) on the fourth line indicates that the information transmitting apparatus 1 is transmitting schedule EPG data indicating the corresponding program broadcast schedule if it has a value "1," and indicates that the information transmitting apparatus 1 is not doing so if it has a value "0." A version number (version_number) on the fifth line indicates a value that allows the information receiving apparatus 2 to recognize whether the content is the same as in an already acquired descriptor.

[0060]As described above, by reading out the contents of the descriptor of EPG data of current and next programs, the information receiving apparatus 2 can recognize, at the re-transmission cycle of the EPG data of current and next programs, the transmission statuses of schedule EPG data indicating program broadcast schedules.

FIG. 10

data_length	
for (i=0; i < data_length; i++) {	
table_id	8 bit table_id of elt to be described
status_flag	(formal drawing: table_id of elt to be described)
version_number	1 bit status of elt indicated by above table_id
	5 bit version of elt indicated by above table_id

Thus, **in the present invention**, when the status flag has a value "1", it indicates that the information transmitting apparatus 1 is transmitting schedule EPG data, and when the status flag has a value "0", it indicates that the information transmitting apparatus 1 is transmitting not schedule EPG data, *i.e.*, **different values of the status flag indicate whether the program information data is being transmitted or not.**

Furthermore, this deficiency of Eyer is not cured by the supplemental teaching of Matsuzaki.

Therefore, Applicants respectfully submit that claim 44 is patentable.

For reasons similar to those described above with regard to independent claim 44, independent claims 49, 50, 53, and 58-63 and 65-68 are patentable.

V. DEPENDENT CLAIMS

The other claims are dependent from an independent claim, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

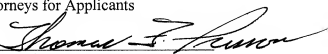
Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By



Thomas F. Presson
Reg. No. 41,442
(212) 588-0800